

1 ROBERT K. PHILLIPS
2 Nevada Bar No. 11441
3 BETSY C. JEFFERIS
4 Nevada Bar No. 12980
5 **PHILLIPS, SPALLAS & ANGSTADT LLC**
6 504 South Ninth Street
7 Las Vegas, Nevada 89101
(702) 938-1510
(702) 938-1511 (Fax)
rphillips@psalaw.net
bjefferis@psalaw.net

8 *Attorneys for Defendant
Wal-Mart Stores, Inc.*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 DEBORAH MCKENZIE,

12 Plaintiff,

13 v.

14 WAL-MART STORES INC.; and DOES 1
15 through 100; and ROE CORPORATIONS 101
16 through 200, inclusive,

17 Defendants.

Case No.: 2:17-cv-02901-JCM-VCF

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DISCOVERY
DEADLINES**

[FIRST REQUEST]

18
19 Plaintiff Deborah McKenzie, (hereinafter "Plaintiff") and Defendant WAL-MART STORES,
20 INC. (hereinafter "WALMART" or "Defendant"), by and through their respective counsel of record,
21 do hereby stipulate to extend the remaining deadlines in the current scheduling order and discovery
22 plan in this matter for a period of sixty (60) days for the reasons explained herein.

23 Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the first such discovery
24 extension requested in this matter.

25 **DISCOVERY COMPLETED TO DATE**

26 • The parties have conducted an FRCP 26(f) conference and have served their respective FRCP
27 26(a) disclosures;

28 • Plaintiff served their Initial Disclosures on December 14, 2017

- Defendant served their Initial Disclosures on December 8, 2017
- Defendant has received executed authorizations for plaintiff and has requested medical records on December 22, 2017.

**DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF
DISCOVERY**

Discovery to be completed includes:

- Plaintiff's and Defendant's Written Discovery request(s);
- Deposition of Plaintiff Deborah McKenzie (Currently set for 1/23/18);
- Plaintiff's IME with Defendant's expert Physicians;
- Depositions of fact witnesses;
- Depositions of Plaintiff's treating physicians;
- Depositions of expert witnesses and rebuttal expert witnesses;
- Defendants' 30(b)(6) witness depositions; and
- Inspection of the subject premises (if necessary).

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension. The parties agree that, pending this Court's approval, extension of remaining discovery deadlines is appropriate, as Defendants are still in the process of obtaining Plaintiff's medical records. Further, the parties wish to further investigate this case by conducting additional depositions of important fact witnesses prior to initial expert disclosures in an effort to determine if a resolution to this matter can be reached prior to incurring fees and costs associated with disclosing experts and their respective opinions.

[PROPOSED] NEW DISCOVERY DEADLINES

Interim Status Report	.	.	.	April 2, 2018
Expert Disclosure Deadlines	.	.	.	April 2, 2018
Rebuttal Expert Disclosure Deadline	.	.	.	May 1, 2018

Discovery Cut-Off Date	.	.	.	.	.	June 1, 2018
Proposed Joint Pre-Trial Order	.	.	.	.	.	July 31, 2018
Dispositive Motion Deadline	.	.	.	.	.	July 2, 2018

If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

7

8 DATED this 5th day of January, 2018.

DATED this 5th day of January, 2018.

9

/s/ Sean J. Akari

10 Sean J. Akari, Esq.
Nevada Bar No. 13300
BERNSTEIN & POISSON
11 320 S. Jones Blvd
Las Vegas, NV 89107
12 *Attorneys for Plaintiff*

/s/ Betsy Jefferis

Betsy Jefferis, Esq.
Nevada Bar No. 12980
PHILLIPS SPALLAS & ANGSTADT
504 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Defendant
Wal-Mart Stores, Inc.

13

14

IT IS SO ORDERED:

Carl F. Carlson

UNITED STATES MAGISTRATE JUDGE

18

19

20

21

22

23

34

25

26

27

1-8-2018

DATED: _____

CERTIFICATE OF SERVICE

Pursuant to FRCP Rule 5, I hereby certify that I am an employee of the law firm PHILLIPS, SPALLAS & ANGSTADT, LLC, and that on this 5th day of January, 2018, I electronically served a copy of **STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY DEADLINES [FIRST REQUEST]** as follows:

- By facsimile addressed to the following counsel of record, at the address listed below;
- By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- By Hand Delivery (ROC); and/or
- By Electronic Service through CM/ECF to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
Scott L. Poisson, Esq. Nevada Bar No. 10188 Sean J. Akari, Esq. Nevada Bar No. 13300 BERNSTEIN & POISSON 320 S. Jones Blvd. Las Vegas, NV 89107	Phone 702-877-4878 Fax 702-256-6280	Plaintiff

An Employee of PHILLIPS, SPALLAS & ANGSTADT LLC